

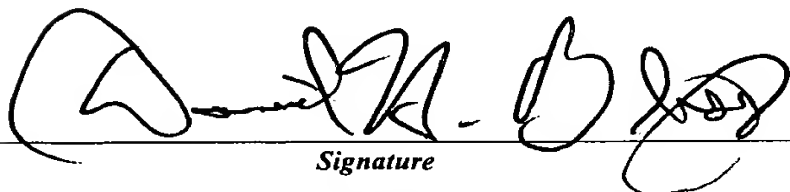
## TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.  
200-0798In Re Application Of: **Bernad Gottselig et al.**Serial No.  
09/682,988Filing Date  
November 5, 2001Examiner  
I. BorissovGroup Art Unit  
3629Invention: **METHOD AND SYSTEM OF RESTRICTED SUBSTANCE MANAGEMENT AND RECYCLING**TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on **March 30, 2004**.

The fee for filing this Appeal Brief is: **\$330.00**

- ☐ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **06-1510**

  
SignatureDated: June 1, 2004

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I certify that this document and fee is being deposited on June 1, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
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Daniel H. Bliss

Typed or Printed Name of Person Mailing Correspondence

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3629 )  
)  
Examiner: I. Borissov )  
)  
Applicant(s): Bernd Gottselig et al. )  
)  
Serial No.: 09/682,988 )  
)  
Filing Date: November 5, 2001 )  
)  
For: METHOD AND SYSTEM OF RESTRICTED )  
SUBSTANCE MANAGEMENT AND )  
RECYCLING )  
)

APPEAL BRIEF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

By Notice of Appeal filed March 30, 2003, Applicants have appealed the Final Rejection dated December 30, 2003 and submit this brief in support of that appeal.

**REAL PARTY IN INTEREST**

The real party in interest is the Assignee, Ford Global Technologies, Inc.

**RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences regarding the present application.

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**STATUS OF CLAIMS**

Claims 1 through 18 have been rejected.

CERTIFICATE OF MAILING: (37 C.F.R. 1.8) I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service with sufficient postage as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on JUN 1, 2004, by Daniel H. Bliss

Claims 1 through 18 are being appealed.

### **STATUS OF AMENDMENTS**

An Amendment Under 37 C.F.R. 1.116 was filed on March 1, 2004 in response to the Final Office Action dated December 30, 2003. An Advisory Action dated March 23, 2004 indicated that the Amendment under 37 C.F.R. 1.116 had been considered, but would not place the application in a condition for allowance. The Advisory Action did not indicate that, upon the filing of an appeal, the Amendment under 37 C.F.R. 1.116 would be entered. A Notice of Appeal, along with the requisite fee, was filed on March 30, 2004. The Appeal Brief, along with the requisite fee, is submitted herewith.

### **SUMMARY OF THE INVENTION**

The present invention is a system 10 of restricted substance management and recycling in a manufacturing corporate environment. In general, the system 10 accepts data, stores data, and determines compliance. The system 10 is based on a vehicle manufacturer network and assists the vehicle manufacturer and its suppliers to better track, reduce, and eliminate the use of substances of concern in products supplied to the vehicle manufacturer. The system 10 includes a restricted substance management (RSM)/recycling team of the vehicle manufacturer. The RSM/recycling team uses the computer system 12 to send a recycling substance management system (RSMS) document to one or more vehicle component suppliers. The suppliers use the computer system 12 to send RSM/recycling data to the RSM/recycling team. The RSM/recycling team uses the computer system 12 to send an acknowledgement of receipt of the data to the vehicle component supplier. The RSM/recycling team uses the

computer system 12 to send a notification of compliance or non-compliance including instructions for RSMS deviation to the vehicle component suppliers.

The present invention is also a method of reviewing reported substances. The reported substances are analyzed for compliance with a restricted substance management (RSM) standard. The method compares the reported substances to a list of banned substances. The method determines whether there are banned substances. If so, the method stores to an exception list, which is a banned or over threshold limit. The method then displays a non-compliant printable message to the supplier and the vehicle manufacturer will contact the supplier shortly. The method may send the supplier non-compliance notification by e-mail a predetermined number of days past data submission. The method may send a non-compliance notification to vehicle manufacturer personnel immediately by e-mail.

If there are no banned substances, the method compares against the set of Chemical Abstract Substance (CAS) numbers of substances with threshold content limits. The method determines whether there are substances with threshold content limits (TCL). If so, the method, for each substance, compares the submitted mass ratio (%weight) against the specific TCL for the Chemical Abstract Substance (CAS) number. The method determines whether there are any reported substances with a mass ratio greater than a specific TCL. If not, the method determines whether no single substance is over TCL or banned. If so, the method displays a compliant printable message to the supplier that the submission is compliant.

A method of inputting data for restricted substance management and recycling is carried out in accordance with the system 10. The method allows a member of the RSM/recycling team to annually enter or input restricted substance management/recycling (RSM/R) data, change in regulation, entry of data on a new component or part, or re-certification

of existing data via the computer system 12. The supplier logs into a supplier network (SN) of the vehicle manufacturer via the computer system 12. The supplier reviews each item of the supplier information on a printable parts listing via the computer system 12. The method determines whether to modify the supplier information on the parts. If not, the method certifies no revisions are required to the supplier information. The supplier submits RSM/R data.

If the recertification review of the supplier information is not to be performed, or if the supplier information is to be modified, the method determines whether the supplier certifies that there are no restricted substances in parts supplied to the vehicle manufacturer. If the supplier certifies that there are no restricted substances in parts supplied to the vehicle manufacturer, the supplier submits the response or certification. The method determines whether recycled content of the parts is reported. If not, the method saves the final RSM/R data submission by the supplier. The method marks submission complete and received by vehicle manufacturer. The method then deletes RSM/R data stored temporarily on the computer system 12. The method then generates on-screen, printable acknowledgement of receipt of RSM/R data in real time to the supplier via the computer system 12. The method then ends.

### **ISSUE**

The issues in this Appeal are statutorily formulated in 35 U.S.C. § 103. Specifically, one issue is whether the claimed invention of claims 1 through 10 and 18 is obvious and unpatentable under 35 U.S.C. § 103 over Fukatsu et al. (U.S. Patent Publication No. 2002/0052666). Another issue is whether the claimed invention of claims 11 through 17 is obvious and unpatentable under 35 U.S.C. § 103 over Fukatsu et al. '666 in view of Farmer et al. (U.S. Patent Publication No. 2003/0004965).

### **GROUPINGS OF CLAIMS**

Claims 1 through 10 stand or fall together in regard to the rejection under 35 U.S.C. § 103.

Claims 11 through 16 stand or fall together in regard to the rejection under 35 U.S.C. § 103.

Claim 17 stands or falls together in regard to the rejection under 35 U.S.C. § 103.

Claim 18 stands or falls together in regard to the rejection under 35 U.S.C. § 103.

### **ARGUMENT**

As to patentability, 35 U.S.C. § 103 provides that a patent may not be obtained:

If the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Id.

The United States Supreme Court interpreted the standard for 35 U.S.C. § 103 in Graham v. John Deere, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). In Graham, the Court stated that under 35 U.S.C. § 103:

The scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or non-obviousness of the subject matter is determined. 148 U.S.P.Q. at 467.

### **Claims 1 through 10**

Using the standard set forth in Graham, the scope and content of the prior art relied upon by the Examiner will be determined.

U.S. Patent Publication No 2002/0052666 to Fukatsu et al. discloses a system for providing product environment information. A parts/material/price scale information system (procurement system) 24 prepares parts information, raw material information and price scale information (ordering data) on the basis of a data base 24a and supplies these kinds of information to a procurement information data warehouse 21 through an interface 23. A green (environmental) procurement on-line search system 25 supplies, for example, environmental information about each part and raw materials (hazardous chemical substance content data), as shown in FIG. 6E, to the procurement information data warehouse 21 through the interface 23. Referring to FIG. 1A, a hazardous substance registration system 11 in a product environmental specification management system 1 can register hazardous substances (regulation data) in a product hazardous chemical substance master data base 12. Data on hazardous substances in the data base 12 is supplied to the data warehouse 21 through an interface 22. A product information registration and updating system 10 can register and update product information (including environment information of a product) through a Web server 8. A user can refer to product environmental information in a product environmental specification data base 7 through a Web server 8 and a product environmental specification 6 by using a product environmental specification system 9.

In contradistinction, claim 1 claims the present invention as a computer method of restricted substance management and recycling in a vehicle manufacturing environment. The method includes the steps of inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer. The method also includes the steps of reviewing the inputted data and determining parts with banned or recycled content or substances over predetermined thresholds. The method further

includes the steps of reporting the determined parts to the vehicle supplier and the vehicle manufacture.

The United States Court of Appeals for the Federal Circuit (CAFC) has stated in determining the propriety of a rejection under 35 U.S.C. § 103(a), it is well settled that the obviousness of an invention cannot be established by combining the teachings of the prior art absent some teaching, suggestion or incentive supporting the combination. See In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 227 U.S.P.Q. 657 (Fed. Cir. 1985); ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 221 U.S.P.Q. 929 (Fed. Cir. 1984). The law followed by our court of review and the Board of Patent Appeals and Interferences is that “ [a] prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.” In re Rinehart, 531 F.2d 1048, 1051, 189 U.S.P.Q. 143, 147 (C.C.P.A. 1976). See also In re Lalu, 747 F.2d 703, 705, 223 U.S.P.Q. 1257, 1258 (Fed. Cir. 1984) (“In determining whether a case of prima facie obviousness exists, it is necessary to ascertain whether the prior art teachings would appear to be sufficient to one of ordinary skill in the art to suggest making the claimed substitution or other modification.”)

As to the differences between the prior art and the claims at issue, the primary reference to Fukatsu et al. ‘666 merely discloses a system for providing product environment information in which a hazardous substance registration system in a product environmental specification management system can register hazardous substances (regulation data) in a product hazardous chemical substance master data base. Fukatsu et al. ‘666 lacks inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle into a



computer system of a vehicle manufacturer. In Fukatsu et al. '666, the hazardous substance registration system 11 can register hazardous substances (regulation data) in a product hazardous chemical substance master data base 12, but not both restricted substances and recycle content data of vehicle supplier parts into a computer system of a vehicle manufacturer. Further, Fukatsu et al. '666 fails to disclose the steps of determining parts with banned or recycled content or substances over predetermined thresholds, and reporting the determined parts to the vehicle supplier and the vehicle manufacture. Contrary to the Examiner, the recitation of vehicle supplier parts into a computer system of a vehicle manufacturer is not descriptive material, but is narrowing limitations for claiming the invention of a method of restricted substance management and recycling in a vehicle manufacturing environment.

As to the level of ordinary skill in the pertinent art, Fukatsu et al. '666 merely discloses a system for providing product environment information. However, there is absolutely no teaching of a level of skill in the vehicle art to include inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer. Fukatsu et al. '666 merely allows hazardous substances (regulation data) to be registered in a product hazardous chemical substance master data base 12. Fukatsu et al. '666 fails to permit both restricted substances and recycle content data of vehicle supplier parts into a computer system of a vehicle manufacturer. Further, there is no motivation in the art to modify the method of Fukatsu et al. '666 because Fukatsu et al. '666 operates in an entirely different manner.

The reference, if modifiable, fails to teach or suggest the combination of a computer method of restricted substance management and recycling in a vehicle manufacturing environment including the steps of inputting restricted substances and recycle content data of

parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer, reviewing the inputted data, determining parts with banned or recycled content or substances over predetermined thresholds, and reporting the determined parts to the vehicle supplier and the vehicle manufacture as claimed by Applicants. The Examiner has failed to establish a case of prima facie obviousness.

The present invention sets forth a unique and non-obvious combination of a computer method of restricted substance management and recycling in a manufacturing environment that inputs restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer. Advantageously, the method replaces a labor-intensive, fax-based reporting process, facilitates the collection of valuable information on recycled content in order to meet corporate targets and regulatory requirements, and improves the identification, reduction, and elimination of certain hazardous substances in dimensional parts.

Obviousness under § 103(a) is a legal conclusion based on factual evidence (In re Fine, 837 F.2d 1071, 1073, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988)), and the subjective opinion of the Examiner as to what is or is not obvious, without evidence in support thereof, does not suffice. The Examiner may not, because he/she doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. See In re Warner, 379 F. 2d 1011, 154 U.S.P.Q. 173 (C.C.P.A. 1967). Because the Examiner has not provided a sufficient factual basis that is supportive of his/her position (see In re Warner, 379 F.2d 1011, 1017, 154 U.S.P.Q. 173, 178 (C.C.P.A. 1967), cert. denied, 389 U.S. 1057 (1968)), the rejection of claim 1 is improper.

Against this background, it is submitted that the present invention of claim 1 is not obvious in view of Fukatsu et al. '666. The reference fails to teach or suggest the combination of a computer method of restricted substance management and recycling in a manufacturing environment of claim 1. Therefore, it is respectfully submitted that claim 1 is not obvious and is allowable over the rejection under 35 U.S.C. § 103.

The law is clear that a claim in dependent form shall be construed to incorporate by reference all of the limitations of the claim to which it refers. 35 U.S.C. § 112, ¶ 4. Dependent claims 2 through 10 perfect and further limit independent claim 1. Claim 2 defines that the step of inputting comprises inputting data of restricted substances and recycle content by the vehicle supplier. Claim 3 defines that the step of inputting further comprises validating the inputted data. Claim 4 defines that the step of inputting further comprises saving partial inputted data. Claim 5 defines that the step of inputting further comprises acknowledging receipt of inputted data. Claim 6 defines that the step of reviewing comprises analyzing inputted data for compliance with a restricted substance management standard. Claim 7 defines that the step of reviewing further comprises comparing the inputted data to a list of banned substances. Claim 8 defines that the step of reviewing further comprises determining whether there are any banned substances. Claim 9 defines that the step of reviewing further comprises sending a non-compliance notification to the vehicle supplier and vehicle manufacturer if there are any banned substances. Claim 10 defines that the step of reviewing further comprises comparing the inputted data to a list of CAS numbers of substances with threshold content limits if there are no banned substances. Based on the above, it is respectfully submitted that claims 2 through 10 are not obvious and are allowable over the rejection under 35 U.S.C. § 103.

**Claims 11 through 16**

Using the standard set forth in Graham, the scope and content of the prior art relied upon by the Examiner will be determined.

U.S. Patent Publication No. 2003/0004965 to Farmer et al. discloses a hazard communication system. A process is presented for communicating hazards associated with chemical substances. The process includes the steps of creating a hazard communication document by entering material information into the system, processing entered information through an authoring module where hazard information is decompiled, associated with the material information, recompiled to provide hazard information about the material, its components, decomposition products of the material, and substances related to the material, and disseminating such hazard information.

As to claims 11 through 16, claim 11 defines that the step of reviewing further comprises determining whether there are any substances with threshold content limits. Claim 12 defines that the step of reviewing further comprises, for each substance, comparing the inputted mass ratio against a specific TCL for CAS number if there are substances with threshold content limits. Claim 13 defines that the step of reviewing further comprises determining whether there are any reported substances with a mass ratio greater than the specific TCL. Claim 14 defines that the step of reviewing further comprises sending a non-compliance notification to the vehicle supplier and vehicle manufacturer if there are any reported substances with a mass ratio greater than the specific TCL. Claim 15 defines that the step of reviewing further comprises determining whether there is no single substance over the TCL or banned if there are no reported substances with a mass ratio greater than the specific TCL or there are no substances with TCL. Claim 16

defines that the step of reviewing further comprises sending a compliance notification to the vehicle supplier and vehicle manufacturer if there is no single substance over TCL or banned.

As to the differences between the prior art and the claims at issue, Fukatsu et al. '666 merely discloses a system for providing product environment information in which hazardous substances (regulation data) can be registered in a product hazardous chemical substance master data base. Fukatsu et al. '666 lacks determining whether there are any substances with threshold content limits, comparing the inputted mass ratio against a specific TCL for CAS number if there are substances with threshold content limits, determining whether there are any reported substances with a mass ratio greater than the specific TCL, sending a non-compliance notification to the vehicle supplier and vehicle manufacturer if there are any reported substances with a mass ratio greater than the specific TCL, determining whether there is no single substance over the TCL or banned if there are no reported substances with a mass ratio greater than the specific TCL or there are no substances with TCL, and sending a compliance notification to the vehicle supplier and vehicle manufacturer if there is no single substance over TCL or banned.

Farmer et al. '965 merely discloses a hazard communications system including creating a hazard communication document by entering material information into the system, processing entered information through an authoring module where hazard information is decompiled, associated with the material information, recompiled to provide hazard information, and disseminating such hazard information. Farmer et al. '965 lacks inputting data of restricted substances and recycle content of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer. In Farmer et al. '965, the system creates a hazard communication document by entering material information into the system, but not both

restricted substances and recycle content data of vehicle supplier parts into a computer system of a vehicle manufacturer. Further, neither Fukatsu et al. '666 nor Farmer et al. '965 discloses sending a non-compliance or compliance notification to the supplier and vehicle manufacturer if there are parts or no parts with banned or recycled content or substances over predetermined thresholds. The Examiner may not, because he doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. See In re Warner, 379 F. 2d 1011, 154 U.S.P.Q. 173 (C.C.P.A. 1967). There is no suggestion or motivation for combining Fukatsu et al. '666 and Farmer et al. '965 together.

As to the level of ordinary skill in the pertinent art, Fukatsu et al. '666 merely discloses a system for providing product environment information. Farmer et al. '965 merely discloses a hazard communication system. However, there is absolutely no teaching of a level of skill in the vehicle art to provide a method that includes restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle for a vehicle manufacturer, sending a non-compliance notification to the vehicle supplier and vehicle manufacturer if there are restricted substances or recycle content in parts, and sending a compliance notification to the vehicle supplier and vehicle manufacturer if there are no restricted substances or recycle content in parts.

The present invention sets forth a unique and non-obvious combination of a computer method of restricted substance management and recycling in a manufacturing environment that replaces a labor-intensive, fax-based reporting process, facilitates the collection of valuable information on recycled content in order to meet corporate targets and regulatory requirements, and improves the identification, reduction, and elimination of certain hazardous substances in dimensional parts. The references, if combinable, fail to teach or suggest the

combination of a computer method of restricted substance management and recycling in a vehicle manufacturing environment including the steps of determining whether there are any substances with threshold content limits, for each substance, comparing the inputted mass ratio against a specific TCL for CAS number if there are substances with threshold content limits, determining whether there are any reported substances with a mass ratio greater than the specific TCL, sending a non-compliance notification to the vehicle supplier and vehicle manufacturer if there are any reported substances with a mass ratio greater than the specific TCL, determining whether there is no single substance over the TCL or banned if there are no reported substances with a mass ratio greater than the specific TCL or there are no substances with TCL, and sending a compliance notification to the vehicle supplier and vehicle manufacturer if there is no single substance over TCL or banned as claimed by Applicants. The Examiner has failed to establish a case of prima facie obviousness.

Against this background, it is submitted that the present invention of claims 11 through 16 is not obvious in view of Fukatsu et al. '666 and Farmer et al. '965. The references fail to teach or suggest the combination of a computer method of restricted substance management and recycling in a manufacturing environment of claims 11 through 16. Therefore, it is respectfully submitted that claims 11 through 16 are not obvious and are allowable over the rejection under 35 U.S.C. § 103.

### **Claim 17**

As to independent claim 17, claim 17 claims the invention as a computer method of restricted substance management and recycling in a vehicle manufacturing environment. The method includes the steps of inputting data of restricted substances and recycle content of parts

supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer. The method also includes the steps of validating the inputted data, saving partial inputted data, and acknowledging receipt of inputted data by the vehicle manufacturer to the vehicle supplier. The method also includes the steps of reviewing the inputted data and determining parts with banned or recycled content or substances over predetermined thresholds. The method further includes the steps of sending a non-compliance notification to the vehicle supplier and the vehicle manufacturer if there are determined parts and sending a compliance notification to the vehicle supplier and the vehicle manufacturer if there are no determined parts.

As to the differences between the prior art and the claim at issue, Fukatsu et al. '666 merely discloses a system for providing product environment information in which a hazardous substance registration system in a product environmental specification management system can register hazardous substances (regulation data) in a product hazardous chemical substance master data base. Fukatsu et al. '666 lacks inputting data of restricted substances and recycle content of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer. In Fukatsu et al. '666, the hazardous substance registration system 11 can register hazardous substances (regulation data) in a product hazardous chemical substance master data base 12, but not both restricted substances and recycle content data of vehicle supplier parts into a computer system of a vehicle manufacturer. Fukatsu et al. '666 also lacks determining parts with banned or recycled content or substance over predetermined thresholds. Contrary to the Examiner, the recitation of vehicle supplier parts into a computer system of a vehicle manufacturer is not descriptive material, but is narrowing limitations for claiming the invention of a system for restricted substance management and recycling in a vehicle manufacturing environment.



Farmer et al. '965 merely discloses a hazard communications system including creating a hazard communication document by entering material information into the system, processing entered information through an authoring module where hazard information is decompiled, associated with the material information, recompiled to provide hazard information, and disseminating such hazard information. Farmer et al. '965 lacks inputting data of restricted substances and recycle content of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer. In Farmer et al. '965, the system creates a hazard communication document by entering material information into the system, but not both restricted substances and recycle content data of vehicle supplier parts into a computer system of a vehicle manufacturer. Further, neither Fukatsu et al. '666 nor Farmer et al. '965 discloses determining parts with banned or recycled content or substances over predetermined thresholds, sending a non-compliance notification to the supplier and vehicle manufacturer if there are determined parts, and sending a compliance notification to the supplier and vehicle manufacturer if there are no determined parts.

As to the level of ordinary skill in the pertinent art, there is absolutely no teaching of a level of skill in the vehicle art to include inputting data of restricted substances and recycle content of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer. In Fukatsu et al. '666, hazardous substances (regulation data) can be registered in a product hazardous chemical substance master data base 12. Fukatsu et al. '666 fails to permit both restricted substances and recycle content data of parts supplied by a vehicle supplier into a computer system of a vehicle manufacturer. Further, there is no motivation in the art to modify the method of Fukatsu et al. '666 by substituting a portion of the hazardous communication system of Farmer et al. '965 because the combination is still deficient because neither Fukatsu et

al. '666 nor Framer et al. '965 discloses restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle for a vehicle manufacturer, sending a non-compliance notification to the vehicle supplier and vehicle manufacturer if there are restricted substances or recycle content in parts, and sending a compliance notification to the vehicle supplier and vehicle manufacturer if there are no restricted substances or recycle content in parts. The Examiner may not, because he doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. See In re Warner, 379 F. 2d 1011, 154 U.S.P.Q. 173 (C.C.P.A. 1967). There is no suggestion or motivation for combining Fukatsu et al. '666 and Farmer et al. '965 together.

The present invention sets forth a unique and non-obvious combination of a computer method of restricted substance management and recycling in a vehicle manufacturing environment including inputting data of restricted substances and recycle content of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer. Advantageously, the method replaces a labor-intensive, fax-based reporting process, facilitates the collection of valuable information on recycled content in order to meet corporate targets and regulatory requirements, and improves the identification, reduction, and elimination of certain hazardous substances in dimensional parts. The references, if combinable, fail to teach or suggest the combination of a computer method of restricted substance management and recycling in a vehicle manufacturing environment including the steps of inputting data of restricted substances and recycle content of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer, validating the inputted data, saving partial inputted data, acknowledging receipt of the inputted data by the vehicle manufacturer to the vehicle supplier, reviewing the inputted data and determining parts with banned or recycled content or

substances over predetermined thresholds, sending a non-compliance notification to the supplier and vehicle manufacturer if there are determined parts, and sending a compliance notification to the supplier and vehicle manufacturer if there are no determined parts as claimed by Applicants. The Examiner has failed to establish a case of prima facie obviousness.

Against this background, it is submitted that the present invention of claim 17 is not obvious in view of Fukatsu et al. '666 and Farmer et al. '965. The references fail to teach or suggest the combination of a computer method of restricted substance management and recycling in a vehicle manufacturing environment of claim 17. Therefore, it is respectfully submitted that claim 17 is not obvious and is allowable over the rejection under 35 U.S.C. § 103.

### **Claim 18**

As to independent claim 18, claim 18 claims the present invention as a system for restricted substance management and recycling in a vehicle manufacturing environment. The system includes a computer system for inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle, for reviewing the inputted data and determining parts with banned or recycled content or substances over predetermined thresholds, and for reporting the determined parts to the vehicle supplier and the vehicle manufacture.

As to the differences between the prior art and the claim at issue, Fukatsu et al. '666 merely discloses a system for providing product environment information in which a hazardous substance registration system in a product environmental specification management system can register hazardous substances (regulation data) in a product hazardous chemical substance master data base. Fukatsu et al. '666 lacks a computer system for inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle, for

reviewing the inputted data and determining parts with banned or recycled content or substances over predetermined thresholds, and for reporting the determined parts to the vehicle supplier and the vehicle manufacture. In Fukatsu et al. '666, the hazardous substance registration system 11 can register hazardous substances (regulation data) in a product hazardous chemical substance master data base 12, but not for determining parts with banned or recycled content or substances over predetermined thresholds and for reporting the determined parts to the vehicle supplier and the vehicle manufacture. Contrary to the Examiner, the recitation of vehicle supplier parts into a computer system of a vehicle manufacturer is not descriptive material, but is narrowing limitations for claiming the invention of a system for restricted substance management and recycling in a vehicle manufacturing environment. There is no suggestion or motivation for modifying Fukatsu et al. '666.

As to the level of ordinary skill in the pertinent art, Fukatsu et al. '666 merely discloses a system for providing product environment information. However, there is absolutely no teaching of a level of skill in the vehicle art to provide a computer system for inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle, for determining parts with banned or recycled content or substances over predetermined thresholds, and for reporting the determined parts to the vehicle supplier and the vehicle manufacture.

Fukatsu et al. '666, if modifiable, fails to teach or suggest the combination of a system for restricted substance management and recycling in a vehicle manufacturing environment including a computer system for inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle, for reviewing the inputted data and determining parts with banned or recycled content or substances over predetermined thresholds,

and for reporting the determined parts to the vehicle supplier and the vehicle manufacture as claimed by Applicants.

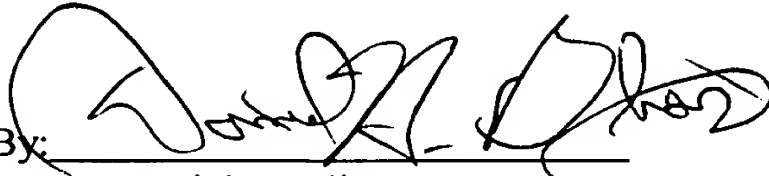
Further, the CAFC has held that “[t]he mere fact that prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification”. In re Gordon, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). The Examiner has failed to show how the prior art suggested the desirability of modification to achieve Applicants’ invention. Thus, the Examiner has failed to establish a case of prima facie obviousness.

The present invention sets forth a unique and non-obvious combination of a system of restricted substance management and recycling in a manufacturing environment including a computer system for inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle, for reviewing the inputted data and determining parts with banned or recycled content or substances over predetermined thresholds, and for reporting the determined parts to the vehicle supplier and the vehicle manufacture. Advantageously, the system replaces a labor-intensive, fax-based reporting process, facilitates the collection of valuable information on recycled content in order to meet corporate targets and regulatory requirements, and improves the identification, reduction, and elimination of certain hazardous substances in dimensional parts.

Against this background, it is submitted that the present invention of claim 20 is not obvious in view of Fukatsu et al. ‘666. The reference fails to teach or suggest the combination of a system for restricted substance management and recycling in a vehicle manufacturing environment of claim 18. Therefore, it is respectfully submitted that claim 18 is not obvious and is allowable over the rejection under 35 U.S.C. § 103.

In conclusion, it is respectfully submitted that the rejections of claims 1 through 18 are improper and should be reversed.

Respectfully submitted,

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**APPENDIX**

The claims on appeal are as follows:

1. A computer method of restricted substance management and recycling in a vehicle manufacturing environment, said method comprising the steps of:  
  
inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer;  
  
reviewing the inputted data and determining parts with banned or recycled content or substances over predetermined thresholds; and  
  
reporting the determined parts to the vehicle supplier and the vehicle manufacture.
2. A computer method as set forth in claim 1 wherein said step of inputting comprises inputting data of restricted substances and recycle content by the vehicle supplier.
3. A computer method as set forth in claim 2 wherein said step of inputting further comprises validating the inputted data.
4. A computer method as set forth in claim 2 wherein said step of inputting further comprises saving partial inputted data.
5. A computer method as set forth in claim 2 wherein said step of inputting further comprises acknowledging receipt of inputted data.

6. A computer method as set forth in claim 1 wherein said step of reviewing comprises analyzing inputted data for compliance with a restricted substance management standard.

7. A computer method as set forth in claim 6 wherein said step of reviewing further comprises comparing the inputted data to list of banned substances.

8. A computer method as set forth in claim 7 wherein said step of reviewing further comprises determining whether there are any banned substances.

9. A computer method as set forth in claim 8 wherein said step of reviewing further comprises sending a non-compliance notification to the vehicle supplier and vehicle manufacturer if there are any banned substances.

10. A computer method as set forth in claim 8 wherein said step of reviewing further comprises comparing the inputted data to a list of CAS numbers of substances with threshold content limits if there are no banned substances.

11. A computer method as set forth in claim 10 wherein said step of reviewing further comprises determining whether there are any substances with threshold content limits.



12. A computer method as set forth in claim 11 wherein said step of reviewing further comprises, for each substance, comparing the inputted mass ratio against a specific TCL for CAS number if there are substances with threshold content limits.

13. A computer method as set forth in claim 12 wherein said step of reviewing further comprises determining whether there are any reported substances with a mass ratio greater than the specific TCL.

14. A computer method as set forth in claim 13 wherein said step of reviewing further comprises sending a non-compliance notification to the vehicle supplier and vehicle manufacturer if there are any reported substances with a mass ratio greater than the specific TCL.

15. A computer method as set forth in claim 13 wherein said step of reviewing further comprises determining whether there is no single substance over the TCL or banned if there are no reported substances with a mass ratio greater than the specific TCL or there are no substances with TCL.

16. A computer method as set forth in claim 13 wherein said step of reviewing further comprises sending a compliance notification to the vehicle supplier and vehicle manufacturer if there is no single substance over TCL or banned.

17. A computer method of restricted substance management and recycling in a vehicle manufacturing environment, said method comprising the steps of:

inputting data of restricted substances and recycle content of parts supplied by a vehicle supplier for a vehicle into a computer system of a vehicle manufacturer;

validating the inputted data;

saving partial inputted data;

acknowledging receipt of inputted data by the vehicle manufacturer to the vehicle supplier;

reviewing the inputted data and determining parts with banned or recycled content or substances over predetermined thresholds;

sending a non-compliance notification to the vehicle supplier and the vehicle manufacturer if there are determined parts; and

sending a compliance notification to the vehicle supplier and the vehicle manufacturer if there are no determined parts.

18. A system for restricted substance management and recycling in a vehicle manufacturing environment, said system comprising:

a computer system for inputting restricted substances and recycle content data of parts supplied by a vehicle supplier for a vehicle, for reviewing the inputted data and determining parts with banned or recycled content or substances over predetermined thresholds, and for reporting the determined parts to the vehicle supplier and the vehicle manufacture.